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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,283	04/16/2004	Philippe Piret	01807.102296.	7930

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EXAMINER

ALPHONSE, FRITZ

ART UNIT PAPER NUMBER

2133

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/27/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/825,283	Applicant(s) PIRET ET AL.	
	Examiner Fritz Alphonse	Art Unit 2133	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 11-13, 15-18 and 22-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-5, 11, 13, 15-18 and 22-26 is/are rejected.
- 7) ☒ Claim(s) 2 and 12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>2</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

0.1 This Office action is in response to the preliminary amendment filed on 4/16/2004.

Claims 6-10, 14, 19-21 are canceled.

Claim Objections

1. Claims 1, 4, 5, 11, 17 are objected to because of the following informalities: the sentence "it is noted that the underlining is in the original, and is meant to appear in the claim" does not belong to claims 1, 5, 11, 17; and therefore, the sentence should be removed. Appropriate correction is required.

Claims 15 and 16 recite the phrase "as well as", which renders the claim unclear. Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 23 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Particularly, as to claim 23, it is not clear to what it meant by the limitation "mean transmission error rate" cited in lines 2, 4 and 5 of the claim.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 28 is rejected under 35 U.S.C. 101 because the claimed invention is directed to

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non-statutory subject matter. Claim 28 is directed to claiming “computer program, characterized in that it comprises computer program code instructions for executing the steps of a decoding method...” A computer program comprises computer program code instructions for executing the steps of a decoding method is not a statutory subject matter, because it does not fall into one of the four statutory subject. A “computer program” is not a process, or machine, or manufacture, or composition of matter to be a patentable subject matter.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 3, 18, 22 and 27-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Kim (US Pub. No. 2003/0188252).

As to claim 27, Kim discloses a device for decoding received symbols, comprising determination means for determining a current state of transmission (fig. 8; see paragraph [0089]); selection means for selecting one of a plurality of available decoding algorithms in accordance with the current state of the transmission determined in said determining step ([0085]); and decoding means for decoding the received symbols by using the selected decoding algorithm ([0012]).

As to claim 22, Kim discloses a method of decoding received symbols, characterized in that it comprises the steps of determining a current state of transmission (fig. 8; see paragraph

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[0089]); selecting one of a plurality of available decoding algorithms in accordance with the current state of the transmission determined in said determining step ([0085]); and decoding the received symbols by using the selected decoding algorithm ([0012]).

As to claim 18, the claim has substantially the limitations of claim 27; therefore, it is analyzed as previously discussed in claim 27 above.

As to claim 28, the claim has substantially the limitations of claim 22; therefore, it is analyzed as previously discussed in claim 22 above.

As to claim 3, Kim (fig. 8) discloses a coding method characterized in that each word represents a respective approximation of resolution of an image coded at source.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim in view of Yu (U.S. Pat. No. 7,051,267).

As to claims 24-26, Kim does not explicitly disclose a decoding method including a second decoding algorithm lower in performance but faster in processing than a first decoding algorithm; wherein the first decoding algorithm is the Feng-Rao algorithm, and wherein the second decoding algorithm is an algorithm based on the Reed-Solomon code. However, the limitations are obvious and well known in the art, as evidenced by Yu (col. 6, lines 46 through col. 7 line 5).

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Therefore, it would have been obvious to a person of ordinary skill in the art, at the time of the invention to improve upon the Reed-Solomon decoder, as disclosed by Yu. Doing so would provide an efficient and high-speed Reed-Solomon decoder.

Allowable Subject Matter

9. Claims 2 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks, Washington, D.C. 20231

or faxed to: (703) 872-9306 for all formal communications.

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Fourth Floor (Receptionist).

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fritz Alphonse, whose telephone number is (571) 272-3813. The examiner can normally be reached on M-F, 8:30-6:00, Alt. Mondays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert De Cady, can be reached at (571) 272-3819.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

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Information regarding the status of an application may also be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Fritz Alphonse

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December 18, 2006


ALBERT DESAUTELS
SUPERVISORY PATENT EXAMINER
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